

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BARBARA LODER HILDEBRANDT,	:	
	:	
Plaintiff	:	
	:	CASE NO. C-1-02-0003
vs.	:	
	:	
HYATT CORPORATION, <i>et al.</i> ,	:	Judge Beckwith
	:	Magistrate Judge Black
	:	
Defendants	:	
	:	

PLAINTIFF'S REQUESTED VOIRE DIRE QUESTIONS

Plaintiff respectfully requests the Court to make the following statement regarding Plaintiff's allegations in this case:

In this case, Plaintiff alleges that her age was a motivating factor¹ in the decision by the Defendants to terminate her employment during a reduction in force. She alleges that Defendants selected her instead of more recently hired, less experienced, and substantially younger employees, to whom Defendants gave the majority of Plaintiff's valuable accounts.

Plaintiff respectfully requests the Court to ask the following questions during the Court's voire dire of the jury.

1. Have any changes taken place in your personal lives that would change the statements in your jury questionnaire?

¹ "Motivating factor" is a term approved by the Sixth Circuit. *Jacklyn v. Schering-Plough Healthcare Prods. Sales Corp.*, 176 F.3d 921, 926 (6th Cir.1999).

2. Does anyone know the Plaintiff, Barbara Hildebrandt, who has been employed as the Development Director of the Cincinnati Horticultural Society for the past two years? (The Horticultural Society is responsible for the annual flower show each spring).
3. Did anyone know or meet Mrs. Hildebrandt when she worked in an office at the Hyatt Regency Hotel in Cincinnati?
4. Does anyone know the Plaintiff's husband, Judge Lee Hildebrandt, who is a Judge on the Hamilton County, Ohio Court of Appeals?
5. Does anyone know or has anyone had any contact with Robert Steinberg or his colleague Stanley Chesley?
6. If so, is there anything about that contact that might affect your judgment in this case?
7. Does anyone know or has anyone had any contact with their law firm, Waite, Schneider, Bayless & Chesley located in Cincinnati, Ohio?
8. Does anyone know or has anyone had any contact with Michael O'Hara or his law firm, O'Hara, Ruberg, Taylor, Sloan & Sargent located in Covington, Ky?
9. Does anyone know or has anyone had any contact with Theresa Gallion or her law firm Fisher & Phillips located in Orlando, FL?
10. Does anyone know or has anyone had any contact with Nadine Abrahams who is a member of Fisher & Phillips Chicago, Illinois office?
11. Does anyone know or has anyone had any contact with Tyson

Helms, who is a Senior Vice President of Hyatt Corporation located in Chicago, Illinois?

12. Does anyone know John Horne, who is a Vice President of Hyatt Corporation located in Chicago, Illinois?
13. Has anyone ever been employed by Hyatt Corporation, an international company that manages hotels?
14. If so, please identify the date, location, and nature of the employment.
15. Does anyone have a member of family or a close friend who has been employed by Hyatt?
16. If so, please identify the date, location, and nature of the employment.
17. Has anyone been employed in the hotel industry?
18. If so, please identify the date, location, and nature of the employment.
19. Does anyone have a member of family or a close friend who has been employed in the hotel or travel industry?
20. If so, please identify the date, location, and nature of the employment.
21. Has anyone ever been employed in a sales position?
22. If so, please identify the date, location, and nature of the employment.
23. Does anyone have a member of family or a close friend who has

been employed in a sales position?

24. If so, please identify the date, location, and nature of the employment.
25. Has anyone been employed in a position that involved making personnel decisions, such as terminating employees?
26. If so, please identify the date, location, and nature of the employment.
27. Has any juror ever been involved in a decision to terminate or lay off an employee?
28. Does anyone have a member of family or a close friend who has been employed in a position that involved making personnel decisions, such as terminating employees?
29. Does anyone have a member of family or a close friend who has been involved in a decision to terminate or lay off an employee?
30. If so, please identify the date, location, and nature of the employment.
31. Does any juror, or any family member or close friend of a juror, have any ownership interest in a Hyatt Hotel?
32. Does any juror, or any family member or close friend of a juror, have any ownership interest in any hotel organization?
33. Has any juror been sued at any time in the past?
34. Does any juror have a family member or close friend who has been sued?

35. For those that answered "Yes" to one of the last two questions, was there a settlement or a verdict that required you to pay money to someone?
36. Has anyone been selected for jury duty in a criminal case?
37. How many have heard of the standard "proof beyond a reasonable doubt?"
38. Do you understand that proof beyond a reasonable doubt is a standard that applies to criminal cases in order to attempt to prevent the conviction of an innocent person, and it does not apply to a civil case such as this?
39. Can everyone put aside what information you have about proof beyond a reasonable doubt and simply follow the instructions I will give about what type of proof is necessary in this case?
40. How many have heard of the standard of proof known as preponderance of the evidence or greater weight of the evidence? Do you all understand that this is the standard that applies in a civil case such as this one; in other words, that the Plaintiff has the burden of proving her case by a preponderance of the evidence?
41. This is a case involving allegations of age discrimination. Both the state of Ohio and the federal government have passed laws prohibiting age discrimination. Is there anyone here who does not feel that an individual should be able to make claims of age discrimination against a company or against individuals?

42. On the other hand, if the Plaintiff fails prove that she is entitled to damages, is there anyone who would hesitate to deny an award of damages?
43. Does everyone agree with the concept that employees are entitled to have decisions about their employment made without being influenced by considerations of the employee's age?

Respectfully submitted,

s/Robert A. Steinberg
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice was served by electronic filing via the CM/ECF System to Theresa M. Gallion, Esq. and Nadine Abrahams, Esq. this 3rd day of August, 2004.

s/Robert A. Steinberg
Robert A. Steinberg